REMARKS

Applicants request reconsideration and allowance. In the office action mailed July 26, 2005, the examiner withdrew the prior rejection of the claims and entered a second, non-final rejection. Claims 1-20 are rejected based upon a combination of three references; ECMA-267 2d edition, Yoon (US 20020004832), and Yokota et al. (US 6907184).

The following remarks will show that the rejection is clearly erroneous on grounds that Yoon and Yokota do not show or suggest the limitations in the claims for which they are cited.

Differences of Claim 1 Compared to Yokota

The rejection found that Yokota et al. (US 6907184) teaches an encrypted program written onto an optical disc and that the encryption program is based upon a preformed ID and a unique ID and has two or more selectable security levels. The rejection expressly relies upon column 4, line 66 through column 5, line 11.

That finding is clearly erroneous. The cited portion of the reference does not show or support the finding of the rejection. Instead the portion of the reference cited in the rejection explains the operation of the elements shown in block 20 in Fig. 1 of the reference. That block is a security integrated circuit, not an optical disc. Memory card 40, a solid state flash memory device, has a similar circuit, but the memory card 40 is also not an optical disc.

Applicants submit that integrated circuits and optical disks are different structures, perform different operations and have vastly different results. Integrated circuits are powered by applied voltages and carry operating current, have passive (resistors, insulators, and capacitors) and active components (diodes and transistors) and typically have multiple inputs and outputs. In contrast, an optical disc is a unitary device with reflective and non-reflective areas but with no applied voltage or current.

The rejection erroneously interpreted the memory card 40 and/or the circuit 20 of the reference as an optical disc. When the reference is correctly interpreted as showing an integrated circuit and not an optical disc, the grounds for applying the reference to the claims is removed and the claims are patentable over the reference.

The rejection is in further error for finding Yokota encrypts data using two IDs. While Yokota mentions an encryption/decryption operation, Yokota does not show or suggest that IDs on an optical disc are used for the operation. Instead the DES encryption/decryption circuit 22 and a similar circuit in memory card 40 are independent of the CD that is input at terminal 16.

Differences of Claim 1 Compared to Yoon

The rejection found that Yoon (US 20020004832) teaches a preformed ID in an ATIP signal and the subcode. The rejection cites paragraph [0037] of Yoon to support that finding.

The cited paragraph [0037] and Yoon as a whole do not support the finding made in the rejection. That finding is clearly erroneous because Yoon has no ATIP signal and does not store IDs in subcode. Yoon identifies the storage medium 10 as a computer readable medium such as a music CD, CD-ROM, video CD, or DVD. See [0005] and [0034]. Nowhere does Yoon show or suggest a medium that allows the user to write to the medium 10.

Applicants explained in their prior response that user-recordable optical discs have ATIP signals and the ATIP signal is an express limitation in the claims as originally filed. Yoon does not show or suggest a user-recordable optical disc and further fails to expressly show or suggest an ATIP signal. Since Yoon's disc is not recordable by the user, it would erroneous to infer that Yoon has an ATIP signal. Indeed, the opposite inference is logical: Yoon has no ATIP signal because disc that do not accept later writing have no need of ATIP signals.

Yoon does not teach a second, unique ID. Paragraph [0037] instead shows that the discs of Yoon may have two IDs that appear on multiple discs. One ID identifies discs with identical music and the other "unique" ID is the serial number of the manufacturer. As such, the IDs on Yoon may appear alone or together, but even if they are used together the two IDs will appear on multiple copies of the disc.

Other Claims

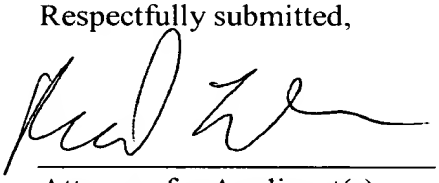
Independent claim 3 and dependent claims 2-5 are patentable for the same reasons given above. Claims 5, 8, 9, 14, 17, 20 are patentable since they include, directly or indirectly, discs that are writeable. The rejection does not cite any

writable discs, no cited reference shows a disc with ATIP signals, no reference shows two IDs and no reference shows an encryption program that uses two IDs. Thus, the detailed dependent claims that further limit the independent claims are likewise patentable of the art of record as applied to the claims.

Summary

Two of the cited references that were applied to the claims to reject them were applied erroneously. The elements in the references that were applied to the claims to reject the claims do not correspond to the limitations in the claims. The claims are thus patentable over the art of record and notice of allowance is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.